

**Lewes BPW
WWTF Workshop
February 10, 2023
4:00pm**

1. Welcome, call the meeting to order.

President Panetta called the meeting to order at 4:00pm.

2. Roll Call

Board Members

Thomas Panetta
Earl Webb
D. Preston Lee, P.E.
Richard Nichols
A. Thomas Owen

Ex-Officio Members

Andrew Williams, Mayor
Austin Calaman, General Manager
Robin Davis, Assistant General Manager
Michael Hoffman, Legal Counsel

Others

Michael Wolgemuth, Inframark
Jeffrey Kerrin, Inframark
Aaron Mushrush, Cape Gazette
Barbara Curtis
Bob Heffernan
Timothy Ritzert
Hans Medlarz, Sussex County
Sharon Sexton, BPW
Joshua Gritton, BPW

**3. Continued discussion of the long-range planning on the Lewes wastewater treatment facility.
INFORMATION/DISCUSSION**

The purpose of the workshop is for the Board to discuss the last public meeting and public comments. The intent is to determine the next steps. Received good response from the public, which will be posted to the BPW website. Received approximately 50 comments, majority in favor of option three, followed by option one. Option two had the least comments in favor.

President Panetta reviewed comments/questions:

- President Panetta stated that there were many references/questions regarding Sussex County and Rehoboth Beach and the past proposed agreement. The BPW is looking for what is best for the BPW ratepayers, and this agreement is not an apples-to-apples comparison. The county/Rehoboth arrangement was strictly for outfall capacity, not treatment.
- Comments were made about the smell of the existing plant. President Panetta stated that there have been some historic issues, but the issue under control. The real smell is that the plant is located in the middle of the marsh. At low tide, the marsh off gases. There may not be an appreciable change if the plant is there or not.
- There were a few comments that ratepayers would like to wait to decide, especially for option two. The development and the cost of land increasing will limit the options for procuring land that is close and accessible. President Panetta stated that doing nothing or waiting for option one is not viable. Storms timing is unknown and puts the WWTF at risk. Hardening the plant only puts off the inevitable. If option one is to be further discussed, a rendering of what the facility would look like will be needed.
- The reuse of the current site was a concern for many commenters if option two or three is chosen. Not the decision process right now. This would be considered later once an option is chosen.
- Comments were received about historic beach closures due to E-coli. There were genetic tests done at the time and the cause was due to agriculture runoff or animal waste, not discharge from the plant. Outside the scope of this project.
- There is concern for option three and entering into an agreement with Sussex County. Both Sussex County and the BPW are responsible for developing and treating waste and do not have the option to say that additional flow cannot be treated if the city council or county council approves development. The additional development should be taken up with the city council and county council.
- There were questions regarding capital projects in the future if option three was chosen. How would the costs be shared? President Panetta stated that the capital project costs would need to be addressed in the agreement with Sussex County. Mr. Medlarz stated that the current agreement addresses joint use capital projects and is split based on flow. Only addresses major capital projects, not maintenance. The details have not been worked out, because an option has not been chosen.
- There were questions about the time horizon 2050 and some felt that it was too short term. President Panetta stated that 2050 sounds close, but projecting anything out past that, decreases the reliability of the numbers, based on the science available. All three options would use the same projecting and would need to be outside the flood plain.
- What will the city's role be in the decision process? President Panetta stated that the decision is clearly that of the BPW. The BPW is not planning on cutting the city out and input is welcomed. This will be a BPW decision.
- There was concern with flooding and low-lying showers, toilets, etc. President Panetta stated that BPW mitigation committee is addressing this concern from the collection side and have had discussions with the city and will continue to be discussed further. Inside the house is outside the BPW jurisdiction.

- What oversight will the BPW have over the output in option three? The NRPDES permits would be transferred to Sussex County. The operator of the facility must be accountable to the state and the EPA.
- A few comments were submitted that questioned the independence of GHD. President Panetta stated that Sussex County paid 50% of the engineering study. Input was provided and GHD completed the study on their own, presented, and reviewed. GHD report is free standing.

Mr. Lee questioned what happens with flooding of the sewer and the contamination of seawater of the county facility. Whose expense? Mr. Medlarz stated that if the source is known, the source would be held responsible. The county is familiar with chloride contamination because of the Longneck facilities. In the past, the county had to hold the flows and dilute them before spraying. Flexibility is key to spray irrigation. President Panetta stated that option three gives more flexibility than option one because the county has major holding lagoons. Mr. Medlarz stated that Wolfneck has a high lying collection area. The county can send the high chloride flow out to dilute from inland bays.

Mr. Lee stated that the BPW has certain control over option one. There was detailed information provided by the consultant on option three. Option two depends on procuring land in the relative vicinity and will be very difficult. Option two will be the most difficult to implement.

Mr. Owen stated that he is concerned with storm surge and sea level rise and the current plant site. The lowest part of the plant is around 8 feet. Mr. Owen stated that the plant may be safe from flooding but there will be no way to access the plant due to flooding of the roads. If the Board decides to move the plant, there will be a serious land issue. Where to put the outfall is another issue and what it will cost to pipe to the outfall. Mr. Owen stated that regardless of whether the BPW partners with Sussex County, the county will need a new plant. Mr. Owen referred to the questions regarding the quality of the discharge and that this will be regulated by the permit and if found not in compliance, then the state will shut down the operation. Mr. Owen's biggest concern is acquiring the land and piping to get to the outfall. Mr. Owen feels that option two will cost more than what is provided in the report and the longer the Board waits, the higher the cost will be. Mr. Owen stated that also, by waiting, technology may change, and a smaller plant could be utilized, but the Board will still need to deal with the land and outfall. Mr. Owen is leaning towards the county options.

Mr. Nichols stated that he feels that the BPW should not be in the treatment business. Sussex County is well positioned and experienced in running a treatment system. The BPW will still maintain the pumpstations and collection systems that feed to the county plant. Mr. Nichols stated that hardening the existing plant makes no sense and the BPW should invest money into upgrading the pump stations. President Panetta stated that the BPW would still be in control of the wastewater collection of the BPW ratepayers and would be responsible for the collection systems, billing systems, rates, etc. Option three is similar to when the BPW shut down the powerplant and moved to the wholesale market. BPW is the electric utility and buys electricity from DEMEC. Under option three, the BPW is the wastewater utility, and buys treatment from the county.

Mr. Lee stated that going forward, if option three is selected then an airtight agreement with the county is needed that protects the BPW from unexpected expenses for the ratepayers. Mr. Lee trusts what Mr. Medlarz is saying. Mr. Lee believes that a good package could be put together for the ratepayers. Mr. Lee is leaning towards option three and feels that the next step is to understand what the agreement will look like. President Panetta stated that agreements from other municipalities are being looked at and that the county has several agreements with other entities. Mr. Medlarz stated that the county has several agreements with different partners and has shared all the agreements with Mr. Calaman. The county is still happy with the Rehoboth, no quarrels. Mr. Medlarz encourages everyone to visit the county website under the CPCN tab and see how much private utility there is. Artesian will be the predominant sewer provider in the greater Lewes area in the future.

Mr. Owen stated that one issue for BPW is the cost to run the current plant and hiring people. BPW has trouble finding people with the proper certifications because the current plant is small. If option one is chosen, these issues would still exist.

Mr. Webb stated that there should be no rush to judgement. Mr. Webb stated that he has not visited the county wastewater facility and does not know the county's history over the past 20 years regarding injury reports, discharge reports, etc. Mr. Webb stated that there is a worry of the control the BPW would have with the county. Mr. Webb suggested having a board where BPW could have members and receive reports. President Panetta questioned Mr. Webb's hierarchy of option preferences. Mr. Webb stated that he does have an opinion based on what is known and does believe there is more that is needed to know. President Panetta questioned if the Board should continue to look at all three options or prioritize. Continuing to pursue all three options will cost a lot of money. Mr. Webb feels that hardening the plant is a backup plan.

Mr. Lee stated that this is the biggest decision he has had to make since being on the Board. Mr. Lee agrees that the Board should tour the county plant and not rush to judgement.

Mayor Williams stated that the options presented will involve money and communication with the city will be important. Mayor Williams questioned how past county agreements have worked with the county council. Mr. Medlarz used the Rehoboth agreement as an example. The Rehoboth agreement was a joint effort and was reviewed by both the city council and county council. The Lewes BPW agreement, 2016, was presented before both the Board and county council with a few amendments. The county council received the GHD presentation and is aware of the options that could potentially happen and was willing to spend 50% on the study. Mayor Williams questioned current county permitting and the success of maintaining the output. Mr. Medlarz stated that the county has a good track record. The county has three permit applications pending.

Mr. Medlarz invited the Board and public to tour a county facility.

Mayor Williams questioned if land that has been spray irrigated can be redeveloped into housing. Mr. Medlarz stated that there is no deed protection for lands used for wastewater spray irrigation. At the Wolfneck site, the state owns the spray lands. The county has no other intent for these lands other than wastewater spray irrigation.

President Panetta stated that the Board will continue digest the public comments and at the February 22, 2023, Board Meeting, the Board will set a public meeting to discuss the next steps.

Mr. Medlarz stated that the county has committed to significant studies of soils and is well over a one-year process.

4. Adjournment

ACTION: *Mr. Owen motioned to adjourn the meeting. Mr. Nichols seconded the motion, which passed unanimously.*

President Panetta adjourned the meeting at 5:04 pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant